
Los Angeles Regional Water Quality Control Board

Meeting Minutes

Video and Teleconference Meeting Only
No Physical Meeting Location

Authorized by Government Code section 11133

October 14, 2021

Chair Yee called the meeting to order at 9:02 a.m.

Chair Yee explained the process for participation in the virtual meeting, noting that for those who only want to listen or watch the meeting, the Board's customary webcast was available and that the Board has Spanish translation services available through the Zoom platform, for those who want to listen or participate in the meeting in Spanish. He provided instructions on how to join the Zoom meeting for those wishing to provide comments during the public forum or on an agenda item.

Language Interpretation Instructions: Marc Gutiérrez provided instructions on how to participate in the meeting in Spanish.

Item 1 – Roll Call

Board Members Present: Cynthia Guzmán, Irma Muñoz, David Nahai, James Stahl, Lawrence Yee, and Charles Stringer

Note: Michael Méndez was absent and Charles Stringer was present for closed session only

Staff Present: Renee Purdy, Jenny Newman, Hugh Marley, Helen Rowe, Gerardo Rabelo, Khalid Abdullah, Tamarin Austin, Sophie Froelich, Adriana Nuñez, Milasol Gaslan, LB Nye, Russ Colby, Yue Rong, Arthur Heath, Jeong-Hee Lim, Susana Lagudis, Woonhoe Kim, Andrew Choi, Celine Gallon, Danielle Robinson, Ching To, Ryan Nickerson, Adam Taing and Arman Toumari

Item 2 – Order of Agenda

The EO Renee Purdy recommended switching the order of Item 6 (the EO Report) and Item 7 (State Water Board Liaison update); recommended that Item 11 be moved to the uncontested calendar; and recommended switching the order of Items 12 and 13. Chair Yee indicated Item 14 (closed session) would begin at 11 am and that the Board would return around 1 pm for Items 12 (Paradise Cove update) and 13 (Information item on Proposed U.S. EPA Residual Designations and Los Angeles Water Board NPDES permit).

There were no objections on the recommendations.

Item 3 – Approval of Draft Meeting Minutes for September 9th Board meeting.

MOTION: Board member Stahl made a motion to approve the September 9, 2021 draft meeting minutes.

Seconded by: Board member Nahai

Motion carried: Approved by roll call vote.

Cynthia Guzmán – Yea
Michael Méndez - Absent
Irma Muñoz – Yea
David Nahai - Yea
James Stahl – Yea
Charles Stringer - Absent
Lawrence Yee – Yea

Item 4 – Approval of Tentative 2022 Regional Water Board Meeting Schedule

MOTION: Board member Nahai made a motion to approve the Tentative 2022 Regional Water Board Meeting Schedule.

Seconded by: Board member Stahl

Motion carried: Approved by roll call vote.

Cynthia Guzmán – Yea
Michael Méndez - Absent
Irma Muñoz – Yea
David Nahai - Yea
James Stahl – Yea
Charles Stringer - Absent
Lawrence Yee – Yea

Item 5 – Board Member Communications

- a. Ex Parte Disclosure (Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.)

There were no ex parte disclosures reported.

- b. Board Member Reports (The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.)

Board member Nahai reported on the following:

- On September 10, 2021 he attended a meeting with Los Angeles Waterkeeper and Heal the Bay. On September 21, 2021 he met with The Nature Conservancy. He discussed the organizations' desire to become more involved with the work of the Regional Water Board.
- Board member Nahai mentioned the interview sponsored by LAANE he conducted, on September 12, 2021, with Mark Arax, author of *The Dreamt Land*.

Board member Stahl reported on the following:

- He attended the El Segundo Citizens Forum sponsored by LA Sanitation and the City of El Segundo. The meeting was a continuation of the discussion of odor impacts from the Hyperion Recovery.

Chair Yee reported on the following:

- On October 4, 2021, he participated in the State Water Board Chair's call. The upcoming WQCC meeting scheduled for October 21 and 22, 2021, was discussed.
- On October 7, 2021, he participated in the Regional Oversight Committee meeting for the Safe Clean Water Program. He reported Matt Frary gave a progress report of program implementation. Chair Yee invited Matt Frary to attend a Regional Water Board meeting to present an abbreviated presentation of his report.
- Chair Yee provided a progress report on the draft Racial Equity Workplan. He and Vice Chair Guzmán received input from Regional Water Board staff. Currently, Vice Chair Guzmán is synthesizing the input and revising the draft workplan.
- The Racial Equity Workplan implementation and Board resolution will be discussed at the upcoming January 2022 Board Retreat.
- The State Water Board is near completion of their Racial Equity resolution and anticipates considering adoption of the resolution at the State Water Board meeting in November 2021.

Item 7 – Update from State Water Board Liaison Laurel Firestone

The State Water Board Liaison provided an update of the following items:

- The Safe and Affordable Funding for Equity and Resilience (SAFER) Program: Safe and Affordable Drinking Water Fund:
 - In addition to the \$1.3 billion funding allocated when the program started, for the 2021 - 2022 budget year another \$1.3 billion will be invested in drinking water and wastewater programs.
- Items agendaized for the next State Water Board meeting:
 - The annual fund expenditure plan for the SAFER program.
 - Consideration of an amendment to the statewide Once-Through Cooling Policy to extend the compliance schedule for the Redondo Beach Generation Station through 2023.
- Update on Statewide Emergency Drought:
 - In July 2021, Governor Newsom asked for a 15% voluntary reduction in water usage compared to 2020.
 - Statewide, a 1.8% reduction in water use was observed during the first month following the Governor's announcement.
 - In the North Coast Region, a 16% reduction was observed whereas in the South Coast regions only a 0.1% reduction was observed during the first month.
 - An update on water use reduction and conservation will be provided at the next State Water Board meeting.
- Update on Annual Fund Allocations
 - Close to \$1 billion in funding for water and wastewater arrearage debt forgiveness for consumers that were unable to pay for services during the COVID-19 pandemic.
 - The moratorium on drinking water shutoffs has been extended until the end of 2021.
 - Survey conducted to understand the universe and scale of debt for residential and commercial arrearages.
 - The survey covered 97.5% of the population served. The State estimated \$315 million in water arrearages, which means that the State will be able to cover 100% of arrearages for drinking water. Applications are submitted by the drinking water systems rather than the individual customers. Payment is made to the drinking water system, and then the drinking water system credits their customers' accounts. The next round of funding will cover wastewater arrearages.
 - A workshop will be held on October 19, 2021, to assist drinking water

systems with the application process. The deadline to apply is December 4, 2021.

- Update on Upcoming WQCC Meeting
 - Meeting scheduled for October 21 and 22, 2021.
 - The theme for 2021 is celebrating 50 years of the Clean Water Act and the Water Board's efforts to advance racial equity and environmental justice.
- Update on the Water Boards' Racial Equity Initiative and Racial Equity Resolution
 - The State Water Board held a workshop on an initial draft Racial Equity Resolution and will consider adopting a final resolution on November 16, 2021.
 - Continued work on action plan/work plan

Item 6 – Executive Officer's Report

Celine Gallon, Unit Senior, TMDL and Standards Unit, introduced new staff member, Thuan Chi, who is a Civic Spark Fellow working with the Los Angeles Water Board this year

The EO reported on the following items:

- Update on Hyperion Sewage Spill
 - All treatment processes are currently online.
 - LASAN anticipates that all processes will be back to fully normal operation by the end of October 2021.
 - The effluent pumping plant pumps are back in operation. The pumps were tested and fully operation by September 15, 2021 as scheduled.
 - Recent effluent monitoring data has been in compliance with the average weekly and instantaneous effluent limits that are in the NPDES permit.
 - A request for a reduction in the frequency of monitoring from seven days a week to three days a week (Monday, Wednesday and Friday) was granted.
 - On August 24 and 25, 2021, staff from the Regional Water Board, State Water Board and USEPA Region 9 inspected Hyperion and

portions of the sanitary sewer collection system.

- On October 8, 2021, Hugh Marley, AEO, for the Compliance and Enforcement program issued a Notice of Violation and an investigative order under California Water Code section 13267 to LASAN.
- LASAN must submit a technical report with additional documents requested from the enforcement team by November 8, 2021.
- Update on Dominquez Channel Odor
 - Los Angeles Water Board staff are communicating and working with staff of the Los Angeles County Department of Public Works and South Coast Air Quality Management District (AQMD) on the situation along the Dominguez Channel where there is a very strong hydrogen sulfide odor impacting adjacent communities.
 - Los Angeles County is currently investigating the source of odor and considering possible actions to address the odor.
 - Los Angeles County is offering a reimbursement program for the purchase of HVAC air filters, portable air filters or temporary relocation during this public health event.
- Update on Orange County Coastal Oil Spill
 - Based on information received, there does not appear to be any threat of the oil reaching areas within the Los Angeles Water Board's purview.
 - All harbors, beaches and State parks within the impacted area have reopened, with the exception of the immediate shoreline and the water impacted by the spill.
- Update on the Garfield Express site in the City of Lynwood
 - At June Board meeting, the Board adopted a resolution to retain the Attorney General as counsel and refer all matters pertaining to this cleanup site to the Office of the Attorney General to expand the Board's tools to ensure compliance with the Cleanup and Abatement Order previously issued by the Regional Water Board.
 - The Office of Attorney General has participated in Probate Court filings concerning the receiver and a Chapter 7 bankruptcy action brought by one of the parties named in the Cleanup and Abatement Order.
 - The June resolution reserved the Regional Water Board's ability to

participate in complex settlement discussions arising from this case.

- To date, increased interest in cleanup has made it unnecessary to file suit.
- Starting in May 2021, Regional Board staff have participated in weekly collaboration meetings with the City of Lynwood, the developer and Receiver to drive cleanup efforts at this site.
- In August 2021, the City of Lynwood, the developer (Northgate Gonzalez Markets) provided a pilot test study workplan to implement soil vapor extraction near the source property.
- An interim remedial action plan is currently being drafted and will be provided to Regional Water Board staff to review in the upcoming weeks.
- Funding for cleanup is still a concern; Regional Water Board staff have explored and discussed with the City of Lynwood and Northgate Markets a number of avenues for state funding to assist with the cleanup, including possible eligibility for DTSC's new Equitable Community Revitalization Grants program.

Item 8 – Public Forum

Speakers:

- Carl Middleton, Northgate Markets
- Tracy Egoscue, Egoscue Law Group, Inc. for Northgate Markets
- Blake Alsbrook, Court-appointed Receiver for Ross Family Trust
- Preston Brooks, Cox Castle & Nicholson LLP, Special Counsel for City of Lynwood
- Richard Watson, Richard Watson & Associates
- Elias Sassoon, Public Works Director, City of El Segundo

Item 9, 10 and 11 - Uncontested Items

The Chair identified the uncontested items as Agenda Items 9, 10 and 11.

MOTION: Board member Stahl made a motion to approve uncontested calendar items 9, 10 and 11.

Seconded by: Board member Nahai

Motion carried: Approved by roll call vote.

Cynthia Guzmán – Yea

Michael Méndez - Absent

Irma Muñoz – Yea

David Nahai - Yea

James Stahl – Yea

Charles Stringer – Absent
Lawrence Yee – Yea

Break 10:45 a.m. to 11:00 a.m.

Item 14 – Closed Session

Legal counsel Tamarin Austin announced that the Board was going into closed session to discuss Item 14.g., 14.h., and 14.s.(iii) on the agenda, pursuant to Government Code section 11126, subdivision (a), (e)(2)(A), and (e)(2)(C).

(The Board went into closed session from 11:00 a.m. to 12:20 p.m.)

Break 12:20 p.m. to 1:32 pm

Item 13 – Information item on U.S EPA Region 9 Proposed Residual Designations and Los Angeles Water Board NPDES permit

Staff Presentation: Jenny Newman, AEO, Surface Water Division

Speaker:

- Elizabeth Sablad, U.S. EPA

Item 12 – Update on the status of actions by The Kissel Company, Inc. and the Paradise Cove Land Company, LLC, to achieve compliance with the Cease and Desist Order for Paradise Cove Mobile Home Park and Beach Café, Malibu; Order No. R4-2016-0311- A2, File No. 01-083.

Staff Presentation: Dr. Jim Kang, Unit Senior, Groundwater Permitting Unit

Speakers:

- Barbara Bradley, Advanced Onsite Water on behalf of Paradise Cove Land Co.
- Steve Dahlberg, Paradise Cove Land Co.

The meeting adjourned at 2:11 p.m. (For more detailed information, you may contact Helen Rowe at (213) 576-6612 or email at: Helen.Rowe@waterboards.ca.gov, and she may provide an electronic copy of the transcript or audio, if available.)

Written and submitted by Helen Rowe, Board Clerk on December 9, 2021.

Signature on File (Helen Rowe)